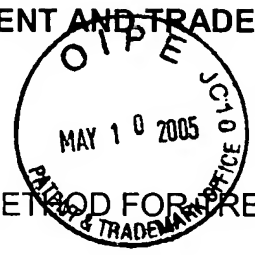


05-12-05

1468/B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application No. : 10/624,915  
Applicant : PFLUEGER  
Filed : 7/22/2003  
Title : APPARATUS AND METHOD FOR TREATING SLEEP APNEA  
  
TC/A.U. : 3743  
Examiner : Ragonese, Andrea  
  
Docket No. : D-3077  
Customer No. : 33197

Confirmation No.

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

EXPRESS MAIL MAILING LABEL NO.

EV 464417002US

Date of Deposit:

MAY 10, 2005

I hereby certify that the following documents as identified below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

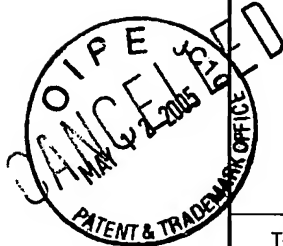
- |   |   |
|---|---|
| <input type="checkbox"/> Utility Patent Application Transmittal;      | <input checked="" type="checkbox"/> Cited references;                   |
| <input type="checkbox"/> Fee Transmittal (in duplicate);              | <input type="checkbox"/> Preliminary Amendment;                         |
| <input type="checkbox"/> Application Data Sheet (@5k pages);          | <input type="checkbox"/> Nonpublication Request;                        |
| <input type="checkbox"/> Specification/Abstract (@5h pages);          | <input type="checkbox"/> Stamped, self-addressed postcard               |
| <input type="checkbox"/> Drawings (@5g sheets);                       | <input checked="" type="checkbox"/> Other: Check in the amount of \$180 |
| <input type="checkbox"/> Declaration (page(s));                       |   |
| <input checked="" type="checkbox"/> Information Disclosure Statement; |   |

Each of the 3 above-identified documents is enclosed herewith.

Respectfully submitted,

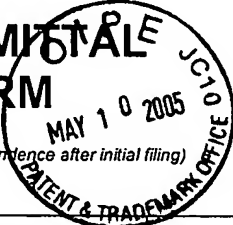
Date: MAY 10, 2005

Janet McGhee  
Assistant to Frank J. Uxa  
Registration No. 25,612  
Stout, Uxa, Buyan & Mullins, LLP  
4 Venture, Suite 300  
Irvine, California 92618  
Telephone: 949-450-1750



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)



Application Number	10/624,915
Filing Date	7/22/2003
First Named Inventor	PFLUEGER
Group Art Unit	3743
Examiner Name	RAGONESE, ANDREA M.
Attorney Docket Number	D-3077
Total Number of Pages in This Submission	

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	CITED REFERENCES
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Frank J. Uxa Registration No. 25,612
Signature	
Date	MAY 10, 2005

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at fax number 703-872-9306, or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	JANET MCGHEE		
Signature		Date	5/10/05

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# FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

☒ Application claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180

## Complete if Known

Application Number 10/624,915  
Filing Date 7/22/2003  
First Named Inventor PFLUEGER  
Examiner Name RAGONESE, ANDREA  
Art Unit 3743  
Attorney Docket No. D-3077

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_  
☒ Deposit Account Deposit Account Number 21-0890 Deposit Account Name FRANK J. UXA

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) associated with this communication ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
Subtotal (1)							0

### 2. EXCESS CLAIM FEES

Fee Description		Small Entity Fee (\$)	Fee Paid (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent		50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent		200	100
Multiple Dependent Claims		360	180
Total Claims			
-20 or HP =	Extra Claims x Fee (\$)		
HP = highest number of total claims paid for, if greater than 20			
Indep. Claims	Extra Claims x Fee (\$)		
HP = highest number of independent claims paid for, if greater than 3			
Subtotal (2)			0

### 3. APPLICATION SIZE FEE


If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
-100 =	/50 =	(round up to a whole number)	x	=
Subtotal (3)				0

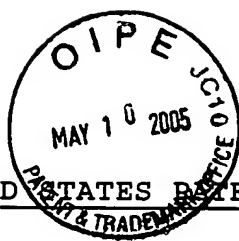
### 4. OTHER FEE(S)

<input type="checkbox"/> Surcharge - Late filing fee or oath/declaration: \$130 fee (\$65 small entity discount)	
<input type="checkbox"/> Non-English Specification: \$130 fee (no small entity discount)	
<input type="checkbox"/> 1-month extension of time: \$120 fee (\$60 small entity discount)	
<input type="checkbox"/> 2-month extension of time: \$450 fee (\$225 small entity discount)	
<input type="checkbox"/> 3-month extension of time: \$1020 fee (\$510 small entity discount)	
<input type="checkbox"/> 4-month extension of time: \$1590 fee (\$795 small entity discount)	
<input type="checkbox"/> 5-month extension of time: \$2160 fee (\$1080 small entity discount)	
<input checked="" type="checkbox"/> Information Disclosure Statement Fee: \$180 fee (no small entity discount)	180.
<input type="checkbox"/> Notice of Appeal: \$500 fee (\$250 small entity discount)	
<input type="checkbox"/> Filing a Brief in Support of Appeal: \$500 fee (\$250 small entity discount)	
<input type="checkbox"/> Request for Oral Hearing: \$1000 fee (\$500 small entity discount)	
<input type="checkbox"/> Utility Issue Fee: \$1400 fee (\$700 small entity discount)	
<input type="checkbox"/> Recording each patent assignment per property (times number of properties): \$40 fee (no small entity fee discount)	
<input type="checkbox"/> Request for Continued Examination: \$790 fee (\$395 small entity discount)	
<input type="checkbox"/> Other: _____	
Subtotal (4)	180.

## SUBMITTED BY

Name (Print/Type)	FRANK J. UXA	Registration No. (Attorney/Agent)	25,612	Telephone	949-450-1750
Signature				Date	MAY 10, 2005

D-3077



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT

In re application of:

PFLUEGER

) Group Art Unit: 3743  
)

Serial No. 10/624,915  
M.

) Examiner: Ragonese, Andrea  
)

Filed: July 22, 2003

)  
)  
For: APPARATUS AND METHODS )  
FOR TREATING SLEEP APNEA)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant wishes to call to the attention of the Examiner the documents cited on the accompanying Form PTO-1449. No concession is made that this document is prior art, and applicant expressly reserves the right to antedate the document as may be appropriate. Applicant requests that this document be made of record in the above-identified application.

This Supplemental Information Disclosure Statement is to be considered by the Patent and Trademark Office under 37 CFR 1.97(c). Please charge the required fee of \$180 and any deficiency or credit any overpayment to Deposit Account No. 21-0890.

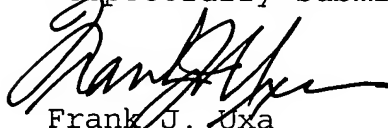
05/12/2005 MBIZUNES 00000066 10624915

01 FC:1806

180.00 OP

In view of the above, applicant submits that this Supplemental Information Disclosure Statement is to be considered under 37 CFR 1.97(c).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank J. Uxa", written over the typed name.

Frank J. Uxa  
Attorney for Applicant  
Reg. No. 25,612  
4 Venture, Suite 300  
Irvine, CA 92618  
(949) 450-1750  
Facsimile (949) 450-1764

FJUxa/ac

Form PTO-1449

**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION**  
(Use several sheets if necessary)

Docket No.: D-3077

Application No.: 10/624,915

Applicant: Pflueger

Filing Date: July 22, 2003

Group Art Unit: 3743

**U. S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,998,209	12/1976	Macvaugh			
	4,803,075	02/1989	Wallace et al.			
	4,830,008	05/1989	Meer			
	4,978,323	12/1990	Freedman			
	5,046,512	09/1991	Murchie			
	5,052,409	10/1991	Tepper			
	5,133,354	07/1992	Kallok			
	5,178,156	01/1993	Takishima et al.			
	5,190,053	03/1993	Meer			
	5,204,382	04/1993	Wallace et al.			
	5,258,028	11/1993	Ersek et al.			
	5,281,219	01/1994	Kallok			
	5,284,161	02/1994	Karell			
	5,451,406	09/1995	Lawin et al.			
	5,456,662	10/1995	Edwards et al.			
	5,514,131	05/1996	Edwards et al.			
	5,540,733	07/1996	Testerman et al.			

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 00/59398	10/2000	International				
	WO 01/19301	03/2001	International				
	WO 01/23039	05/2001	International				
	0 292 936 A2	11/1988	European				
	0 706 808 A1	04/1996	European				
	SU 1553140 A1	03/1990	Russia				

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

Form PTO-1449			Docket No.: D-3077		Application No.: 10/624,915		
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> <small>(Use several sheets if necessary)</small>			Applicant: Pflueger				
			Filing Date: July 22, 2003		Group Art Unit: 3743		
<b>U. S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	5,582,184	12/1996	Erickson et al.				
	5,591,216	01/1997	Testerman et al.				
	5,699,377	09/1997	Fenn				
	5,674,191	10/1997	Edwards et al.				
	5,718,702	02/1998	Edwards				
	5,792,067	08/1998	Karell				
	5,792,478	08/1998	Lawin et al.				
	5,843,021	12/1998	Edwards et al.				
	5,897,579	04/1999	Sanders				
	5,922,006	07/1999	Sugerman				
	5,983,136	11/1999	Kamen				
	6,439,238	08/2002	Brenzel et al.				
	2001/0025642	10/2001	Conrad et al.				
	2001/0044587	11/2001	Conrad et al.				
	2002/0035994	03/2002	Stevens et al.				
	2002/0056462	05/2002	Conrad et al.				
	2002/0108618	08/2002	Conrad et al.				
	2004/0199045	10/2004	Knudson et al.				
	Re. 36,120	03/1999	Karell				
<b>FOREIGN PATENT DOCUMENTS</b>							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
<b>EXAMINER</b>			<b>DATE CONSIDERED</b>				
<small>EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered.          Include copy of this form with next communication to the applicant.</small>							